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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,476	07/07/2003	Vincent Dupaquis	ATM-213	9327
3897	7590	12/07/2006	EXAMINER	
SCHNECK & SCHNECK P.O. BOX 2-E SAN JOSE, CA 95109-0005			MAI, TAN V	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Art Unit: 2193

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Rejection grounds continue to be those set forth in the previous office action (Paper dated 7/6/06, paragraph 1).

2. Applicants' arguments filed on 10-2-06 have been fully considered but they are not persuasive.

Applicants, in their remarks, argue that:

"[I]ndependent claim 8 recites a method of performing a mathematical function. To satisfy section, 101, the claim must be for a practical application, e.g., where the claimed invention transforms a physical object to a different state or thing, or otherwise produces a **useful concrete and tangible result**. Accordingly, Applicants amend claims 8, 9, and 12-14 to recite that the method is carried out 'in a parallel multiplier hardware architecture', with the generating of partial products being done 'with a gate array of said hardware architecture', the adding of partial products in multiple stages being done with 'an addition architecture' and with the sum results being extracted 'as outputs' of the addition architecture. Claim 9 specifies that the counting is

'by means of a binary counter circuit'. As a result of this amendment, there is a physical transformation of the multiplier hardware and its outputs during the course of the method. The method as amended is fully supported by the specification and the steps more closely track the operation of the hardware components set forth in the apparatus claims 1--7. Amended claims 8-14 are now believed to be in condition for allowance" (emphasis added).

With respect to the argument, the examiner carefully reviews Applicant's claimed invention. It is noted that applicant hasn't pointed out how/why the claim produces a useful, concrete, and tangible result. If the claim as a whole is reasonably interpreted as just solving a mathematical algorithm rather than reciting a practical application of the algorithm which produces a **useful, concrete and tangible result**, then it would be non-statutory. It would appear to be **concrete** and **tangible** in the context of the claim; however, the **useful** result appears lacking. Therefore, the rejection is still proper.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan V. Mai whose telephone number is (571) 272-3726. The examiner can normally be reached on Mon-Wed and Fri. from 9:30am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An, can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is:

Official (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



Tan V. Mai  
Primary Examiner